

1270099 - R8 SDMS

ADMINISTRATIVE RECORD  
SF FILE NUMBER  
1170801

*Scott*

United States  
Environmental Protection  
Agency  
Region 8

Federal Office Building  
Drawer 10096  
301 South Park  
Helena, Montana 59626-0096

**MONTANA OPERATIONS OFFICE**

*This is a generic copy  
that has been placed  
into your directory -  
named - Spnotice*

*1-9-89  
Except... I erased it... part  
of another memo.*

Ref: 8MO

SPECIAL NOTICE LETTER FOR RI/FS or RD/RA  
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

(Date)

(Name and address of Potentially Responsible Party)  
(c/o Registered Agent or Contact Person)

Re: (Name of Site)  
(Address or location of Site) (the "Site")

Dear (Name of PRP if an individual; "sir or madam" otherwise)

NOTICE OF POTENTIAL LIABILITY

This letter follows notice letters that have been issued to you and other parties since (date of original notice letter mailing), in connection with the above referenced site. As the listed contact person for the potentially responsible party (PRP) identified above, this letter has been sent to your attention.

This letter serves three basic functions. First, it contains a formal demand for reimbursement of costs that have been incurred, including interest thereon, and that are expected to be incurred, which are subject to interest, in response to the health/environmental concerns at the site. Second, this letter notifies you that a 60-day period of formal negotiations with the Environmental Protection Agency (EPA) automatically begins with this letter. Third, this letter provides general and site-specific information to assist you in these negotiations.

As indicated in the general notice letter previously sent regarding this site, EPA has information indicating that you may be a PRP as defined at Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), as amended (CERCLA), with respect to this site. With this letter, EPA demands that you reimburse EPA for its costs incurred to date, and encourages you to voluntarily negotiate a (consent order) (consent decree) in which you and other PRPs agree to perform or finance the response activities identified below.

In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the site. These response actions include (describe response actions at the site). The cost to date of the response actions performed at the site through EPA funding is approximately \$ (estimate direct and indirect costs to date as specifically as possible). In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the above amount plus any and all interest recoverable under Section 107 or under any other provisions of law.

You are also hereby notified that EPA anticipates expending additional funds for the (Remedial Investigation and Feasibility Study (RI/FS)) (Remedial Design and Remedial Action (RD/RA)). Whether EPA funds the entire (RI/FS) (RD/RA), or simply incurs costs by overseeing the parties conducting these cleanup activities, you are potentially liable for these expenditures.

#### SPECIAL NOTICE AND NEGOTIATIONS MORATORIUM (RI/FS) (RD/RA)

EPA has determined that use of the Section 122(e) special notice procedures will facilitate a settlement between EPA and PRPs. This letter triggers a 60-day moratorium on certain EPA response activities at the site. During this 60-day period, the PRPs, including you, are invited to participate in formal negotiations with EPA. You are also encouraged to voluntarily negotiate a settlement providing for the PRPs, including yourself, to conduct or finance the response activities required at the site. The 60-day negotiation period ends on (date). The 60-day negotiation moratorium will be extended for an additional (30 days in the case of an RI/FS) (60 days if an RD/RA) if PRPs provide EPA with a good faith offer to conduct or finance the (RI/FS) (RD/RA). Should a (90-day negotiation) (120-day negotiation) moratorium take place, the settlement will be embodied in a (consent order for RI/FS); (consent decree for RD/RA).

#### FUTURE RESPONSE ACTIONS (complete if known)

EPA plans to conduct the following response activities at the site: (identify the planned activities and provide the dates they are scheduled to begin.)

#### WORKPLAN AND DRAFT CONSENT ORDER/DECREE

A copy of EPA's (work plan) (scope of work) (proposed plan) and draft (administrative order) (consent decree) are attached. This is provided to assist you and other PRPs in developing a good faith offer for conducting the (RI/FS) (RD/RA).

GOOD FAITH OFFER (RI/FS and RD/RA)

As indicated, the 60-day negotiation moratorium triggered by this letter is extended for (30 days if an RI/FS) (60 days if an RD/RA) if the PRPs submit a good faith offer to EPA. A good faith offer to conduct or finance the RI/FS or RD/RA is a written proposal that demonstrates the PRPs' qualifications and willingness (to conduct or finance the RI/FS) (conduct or finance the design, implementation, and monitoring of the remedy for a RD/RA) and includes the following elements:

1. A statement of willingness by the PRPs to conduct or finance the (RI/FS) (RD/RA) which is consistent with EPA's (scope of work) (work plan) (proposed plan) and draft (administrative order) (consent decree) and provides a sufficient basis for further negotiations
2. A paragraph-by-paragraph response to EPA's (scope of work) (work plan) (proposed plan) and draft (administrative order) (consent decree) including a response to any other attached documents such as an access or preauthorization agreement
3. A detailed description of the work plan identifying how the PRPs plan to proceed with the work
4. A demonstration of the PRPs' technical capability to carry out the (RI/FS) (RD/RA) including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s)
5. A demonstration of the PRPs' capability to finance the (RI/FS) (RD/RA)
6. A statement of willingness by the PRPs to reimburse EPA for past response costs and costs incurred in overseeing the PRPs' conduct of the (RI/FS) (RD/RA)
7. The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations
8. (For RD/RA only) A description of the PRP's position on releases from liability and reopeners to liability

### INFORMATION RELEASE

The parties are hereby notified that additional information has been obtained since the previous notice. EPA is providing the following information as an attachment to this letter:  
(Eliminate, or limit, the description of any of the following items to the extent appropriate.)

1. An updated list of names and addresses of PRPs to whom this notification is being sent. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site.
2. A list of the volume and nature of substances contributed by each PRP. The list is subject to revisions based upon new information as, and if, it becomes available.
3. A ranking by volume of the substances at the facility.

### ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA (will establish) (has established) an administrative record file that (will contain) (contains) documents that form the basis for EPA's decision on the selection of a response action for the site. This administrative record (will be) (is) open to the public for inspection and comment (include specific information regarding the opening of the record and its central and local location if this information is available).

### PRP RESPONSE AND EPA CONTACT PERSON

You have \_\_\_\_\_ calendar days from this notice to notify EPA in writing of your willingness to negotiate the performance or financing of the (RI/FS) (RD/RA). You may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined any involvement in performing the response activities. You may be held liable by EPA under Section 107 of CERCLA for the

cost of the cleanup activities EPA performs at the site.

Your response to this notice letter should be sent to:

U.S. Environmental Protection Agency  
(Name of Site Manager or Section Chief)  
(State) Superfund Section  
(Address)  
(Telephone Number)

If you or your attorney have any questions pertaining to this matter, please direct them to \_\_\_\_\_.

Sincerely,

Attachments